

## UNITED STATES DISTRICT COURT

Northern District of California

US BANK NATIONAL ASSOCIATION,

No. C 11-3746 MEJ

Plaintiff,

**ORDER TO SHOW CAUSE**

v.

ROSIE ALVARADO,

Defendant.  
\_\_\_\_\_

On July 29, 2011, Defendant Rosie Alvarado removed this unlawful detainer action from Contra Costa County Superior Court. However, an unlawful detainer action does not arise under federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011 WL 2194117, at \*3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at \*2 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case should be remanded to state court. Accordingly, the Court ORDERS Defendant Rosie Alvarado to show cause why this case should not be remanded to the Contra Costa County Superior Court. Defendant shall file a declaration by August 18, 2011, and the Court shall conduct a hearing on September 1, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In her declaration, Defendant must address how this Court has jurisdiction over Plaintiff's unlawful detainer claim. Defendant should be mindful that an anticipated federal defense is not sufficient to confer jurisdiction. *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust*, 463 U.S. 1, 10 (1983).

**IT IS SO ORDERED.**

Dated: August 3, 2011

  
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Maria-Elen James  
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

US BANK NATIONAL ASSOCIATION

Case Number: 11-03746 MEJ

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

ROSIE ALVARADO

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 3, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rosie Alvarado  
4421 Pampas Circle  
Antioch, CA 94531

Dated: August 3, 2011

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk